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APR 27 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

First Named Applicant: Morgan)

Art Unit: 2182)

Serial No.: 09/933,494)

Examiner: Martinez)

Filed: August 20, 2001)

ARC9-2001-0079US1)

For: SYSTEM AND METHOD TO USE UNMODIFIED)
OPERATING SYSTEM ON DISKLESS COMPUTER)

April 27, 2004)

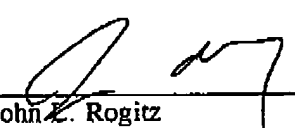
750 B STREET, Suite 3120)

San Diego, CA 92101)

RESPONSE TO NOTICE OF NON-COMPLIANCE WITH 37 C.F.R. 1.192

The allegation in the Notice of Non-Compliance dated April 23, 2004 that the Appeal Brief is defective because "there is no clear statement as to the claims standing or falling together" is wrong. No such statement is required when different grounds of rejection are used against the different groups of claims, which is the case here. Note that an explanation as to why claims should be considered apart from each other is required by MPEP §1206 *only* in the event that an appellant wishes to have multiple claims *that are rejected under a common ground* of rejection separately considered. Indeed, although the present Appeal Brief has specified that the separate groups must stand apart owing to the different grounds of rejection, even when an appellant does not do so, the Board by law must consider each group of claims rejected on a respective grounds of rejection separately from the other claims, *In re McDaniel*, 293 F.3d 1379 (Fed. Cir. 2003). The SPE who signed the Notice is encouraged to familiarize himself with the appellate rules of the PTO.

Respectfully submitted,



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